NEW YORK HERALD, THURSDAY, APRIL 30, 1804-TRIPLE SHEET.

JAPAN.

Civil War and Commercial Disturbances at Hiogo.

The Refugee Tycoon Sheltered on an American War Ship.

How the Prince of Bezin Operates in Street Fights.

Muster of the Christian Allies in Defence of Order.

Opening of the New Ports and Happy Na-rional Anticipations—Sudden Disasters and War—The Refuges Tycoon Scoke Shelter on an American War Vessel-War by the Prince of Boxin-United States Marines in Defence of Order-Union of the Christian Allico-The Mikado in Conference-Decapitations in

Hiogo, Japan, March 8, 1888. From the time the treaty was made arranging the pening of the new ports in Japan the whole world has been looking forward with anxious expectation for great results to arise, which would have an important bearing not only on the commerce, but also the political affairs of the various treaty Powers. China, being in an acknowledged decline that looks too deeply seated to be eradicated in many years to come, also anticipated something advantageous to come, also anticipated something advantageous to grow out of the move towards opening the gates to this new Eldorado, which would dounteract the dis-astrons condition under which they were laboring and offer an opportunity for regaining the lost ground of the last few years, "a consummation deoutly to be wished."

The Tycoon being the party more particularly interested in the matter—the ports being all in his pos-session—doubtless looked forward with bright hopes to the realization of large gains through the means of the emigration of foreigners that would be drawn here to settle and open trade with his people. The reign residents of the other treaty ports already open looked with distrust upon the move, fearing its ffect upon their business; but to be on the safe ade many of them made arrangements to establish branches either at Hiogo or Osaka, to be ready to ake advantage of whatever might arise.

January 1 came at last, and many of those who were waiting for the dawning of this important day arrived and made their locations as they best could. Tooking forward to the sale of the land that had een allotted to fareign use, upon which elegant buildings were to be erected, and visions of rapidly filling coffers filled their brains. The first settlers would of course reap the benefit by being early on the spot, and many a wise prediction was made of the entire success of their enterprise. And it is to be hoped that they may yet enjoy the fulfilment of their aspirations. a few days had passed when a gloom was thrown over the settlement by the unfortunate oss of Admiral Bell, Lieutenant Commander Reed, and ten seamen belonging to the Hartford, United States flag ship. This cloud, however, passed away, and all were trying to do business, when news arand Prince Satsums. This was followed in a few days by hostilities between the same parties at aka, the seat of all foreign legations for the time hese ended in the complete discomfiture of the Tydy to his headquarters, Jeddo. In order to accomplish this desirable result, being hard pressed he was comvent on board an American man-of-war, which ecreted him until the following day, when he went on board his frigate—a very fine vessel built by the Dutch for him—and pushed forward for his harbor of

The day following his abandonment of Osaka the overnment officials at this port called on all the consuls, and advised their directing their subjects to take refuge on board their national vessels as they could offer them no further assistance or protection; as they intended to abandon the place to the insurgents and leave at once to join the Tycoon.

Acting upon this suggestion, the Consuls met, but did not instruct their people to leave; they simply informed them of the information they possessed, and wisely left them to act as they thought best; at

and westy left them to set as they thought best; at a man attack from the rebes, for giving them a warm reception. Signals of alarm were prepared, in case of an attack from the rebes, for giving them a warm reconsultate, and the community were on the qual vise for apprehended troubles.

The next day the Ministers were compelled to fly from Osaka, as the place had been fired by Satsuma, and arrived here the same day and took up their quarters in the abandoned government house and the man street leading through Robe and the new concession, which were discovered to have proceeded from a party of some two hundred men, relainers of the Prince of Bezin, who, without any provocation whatever, commenced fitting towards the Embassing over the concession. Among the war was sirely and the concession of the prince of Bezin, who, without any provocation whatever, commenced fitting towards the Embassing over the concession. Among the war was Sirbaced from them when they fired. He at once turned and ran to the Embassy, the shots flying around him as he ran. One man, a seaman on the United States steamer forelda, was not as fortunate, having been hit in the shoulder by a stray shot.

The Amgrican Minister, the Britaing continued the procession of the shoulder by a stray shot.

The Amgrican Minister, the building near him. If the meantime the men-ot-war, in answer to signals, were landing and and of Minishipman Emory, to advance and attack, which they did most gulantly. In the meantime the men-ot-war, in answer to signals, were landing men and artility. Captain English, of the Froquois, being the first on shore, and started in pursuit at double quick. By this time Sir Harry had mustered his municle, who they have been should be shown to be supported by General van Valkenburgh, the Minister, to attack, garon to one of the American aquadrino, pressed them so strongly the time, and a delacement of the Sinth pursuit. A dotacement of the change of the company of the first of the company of the company of the support the delacement o

the supere dinner that was served by mine host of the Hlogo Hotel we forgot for the time that we were in this out of the way place, where there is not yet one European house, and all went into the festivities with a gusto that would have continued far into the next day had it not been Sunday. As it was, some two hours of the 23d were required to bring the dinner to a closs, which was done by singing the time-honored song of "Auld Lang Syne," and nine roating cheers for the universal Yankee nation.

We are waiting anxiously from day to day to witness the beheading of the officer who ordered the firing into the Europeans, as this has been a point demanded by the envoys and agreed to by the Mikado.

It is expected to take place on the spot where the

demanded by the envoys and agreed to by the Mikado.

It is expected to take place on the spot where the outrage was committed.

Testerday the 57th) the custom House was opened under the new regime by problamations from all the consula, so harewell free trade and a free port for a few days, when, perhaps, these worthles may be compelled to decamp and allow some other enterprising Daimio to enjoy the place.

The French neet of four vessels arrived yesterday, and were saluted by the English and American menofwar. The American ship Iroquois sailed for Yokohama on the 20th, to be near hospital, where the men could be properly taken care of, the smallpox having broken out on board. It is not thought that it will be very serious, however.

A Currency Question—Settling the Money Exchange—A Difficulty and the American Plan of Cure.

An unexpected point arose yesterday in our diplo-matic relations with the new officials which may lead to some trouble, but must result in establishing the principle laid down by our Consul, General Paul Frank. The affair stands thus:—Messrs. Warren, Tilson & Co., an American firm, wanted to exchange some Mexican dollars for itzboos (the currency of Japan), and went to the Custom House to obtain hem, as usual, and was there informed that they would make the exchange at the rate of 271 boos for \$100; they refused to make the exchange on those terms, as the rate established by the treaty is strems, as the rate established by the treaty is all 78-100 boos, less two per cent for coinage, and went to the Consul to request him to communicate with the officials on the subject. With his usual promptness the Consul went with one of the firm and waited on the officials and was received by them at the entrance of their office, who wanted to enter upon the subject there. To this the Consul demurred, and asked why he was kept standing there instead of being taken into the house in a proper manner.

cousin desirated, and assert with he was gept standing there instead of being taken into the house in a proper manner.

They replied that they had no conveniences inside to receive him, to which he replied that until he was treated with the same politeness that he extended to them he should hold no ordicial intercourse with them and would not permit his countrymen to transact any business with them, and left at once. In pursuance of his determination he has instructed the captain of the American bark Dispatch, which arrived yesterday, not to enter his vessel at the Custom House, and to proceed with the discharging of his cargo without any reference to the officials.

This will doubtless cause some buzzing among them and send them to the Consul for an explanation, when he will extend to them the same courtesies he received at their hands, and teach them the necessity of politeness for the future. In treating with General Frank, who is universally admitted to be one of the most courteous gentlemen among us, they will find one who will not brook an insult from even the highest official in their empire.

NEW JERSEY.

In BRIEF--George Jones, proprietor of a liquor saloon in West End, near Hudson City, committed suicide by taking laudanum yesterday morning. Domestic difficulties are supposed to be the cause. Coroner Warren will hold an inquest.

A young man named Cardy, while in the act of

climbing a liberty pole at Bergen on Tuesday, for the purpose of replacing the halyards which had broken, slipped when near the top and tumbled to the ground, his skull being completely fractured against a stone. His body was greatly mangied.

About seven o'clock on Tuesday evening a resident of Hackensack named Joseph Coulter was driving home from Hoboken in a light wagon, when he was precipitated over a ledge at the summit of the hill. The horse was instantly killed, the wagon was demolished, and Coulter, after lying insensible for some time, attracted some persons to the spot, when he was conveyed to a physician. He sustained internal injuries of a serious character. The horse and wagon were valued at \$700.

The Hoboken Herse Railroad Company has been notified by the Bergen Railroad Company that the former cannot use the tracks below Jersey avenue after to-morrow. This announcement has given rise to much comment; for while the Hoboken Railroad is really a service to the public, the Bergen Horse Railroad, under its new management, is little short of a nuisance. A bill was introduced in the late Legislature to revoke their charter, but it was not acted upon before the apjournment. Newark.

Essex County Circuit Court yesterday the jury in the case of Miss Brandreth against the administrator of the late William Lyon rendered a verdict for plain-tiff, giving \$1,000 damages.

Hackettstown. BURGLARY IN A DRY GOODS STORE .- The dry goods establishment of Mr. J. C. Allen, at this place, was entered early on Tuesday morning, and about \$1,000 worth of goods, principally muslins and dress patterns, carried off. The whiereabouts of the thieves is still unknown to the authorities.

ATROCTORS ASSAULT ON A HOTEL KEEPER. - About eleven o'clock on Tuesday night six young bravakept by a man named Walton, and called for some liquor. After the drinks were imbited the recipients deprecated the quality of the fluid and ignored the propriety of paying the landlord for such alleged nauscatic aqua vita. Some infimical interchanges of sentiment followed, and before this was long indulged in the six nocturnal visitors, it is alleged, simultaneously attacked the proprietor and treated him so unmercifully that his head and face are shockingly mangled, and the poor fellow was unable to rise from his bed yesterday. Up to five o'clock yesterday afternoon the assailants had eluded the vigiliance of the police. On the same night a colored woman, residing in that part of the city known as "the swamps," was also brutally assailed by two of her duaky male neighbors, who are likewise at large. kept by a man named Walton, and called for some

THE TURE.

The owners of racing stables must bear in mind that the entries for the post stake premium for two year olds, \$50 entrance, p. p., a dash of half a mile, with a premium of \$350 added, three or more to fill, will close to-morrow, May 1, at the Secretary's office, die race, welter weights, premium \$400 to first horse, \$100 to second, two miles, over eight hurdies, three or more to fill, and the post stake premium of \$400 for three year olds, one and a quarter mile dash, \$50 en and \$50 en the first day of the meeting. The entries for the hur-

The Paterson Course. The Paterson race course, which has been sup-posed to be defunct, is not really so far gone that it cannot be resuscitated. The advertised sale of it has been postponed in consequence of a party being in treaty to lease it and continue the sport-that was anapiciously commenced there. Should an arrange-ment be made, which probably will be, the manage-ment will be under the control of a racing man.

The Southern and Western Tarf Congress.
At the recent session of the Southern and Western Turf Congress the following officers were elected for the ensuing year:—President, Governor P. O. Hébert, Metairie Glub; Vice Presidents, Major J. R. Viley, Lexington Club; Dr. F. A. Ross, Magnoin Club; General W. G. Harding, Nashville Club; Colonel John Donovan, Memphis Club; Captain W. Hutchinson, Laclede Club; General A. Buford, Woodlawn Club; Secretary and Treasurer, Major Charles Thomas, Lexington Club.

The Congress passed the following rules:—

1. That in post matches or market by accusations.

The Congress passed the following rules:—

1. That in post matches or stakes the nominations must be declared to the Secretary the day previous to the race, at four o'clock P. M.

2. When there is no second horse in the Annual Turf Congress stake, the association or club over whose course the race is run shall receive back its stake.

It was resolved that the several associations composing the Congress are requested to take into consideration the expediency of increasing the entrance to the Turf Congress stake to \$1,000, and are requested to report their decisions to the Secretary of the Congress for action by the Congress at its next session, which is to take place at Louisville or Lexington in the autumn of 1869.

Trotting on the Riverside Park Course. The turf season in Boston was inaugurated at Riverside Park on Tuesday afternoon, in the presence of a large number of visitors. The race was a handicap between the horses McClellan, Sorrel Dan and John Stewart, for a purse of \$300. McClellan went to wacon, Sorrel Dan in harness and John Stewart to saddle, and the race was won by McClellan in three Straight heats, in 2:20 %, 2:00; and 2:20%, Stewart was second and Sorrel Dan third in these heats.

AQUATIC.

Henry Coulter, now matched to row against Hamill, declares his intention of rowing any man in the country should the event with Hamili be decided in his favor. He appears to be determined to be the champton carsman of America, which is a somewhat difficult point to reach.

NEW YORK CITY.

THE COURTS.

UNITED STATES CIRCUIT COURT—CRIMINAL TRIALS. Internal Revenue Case-Running a Distillery Without a Licen

Without a License.

Before Judge Benedict and a Jury.

The United States vs. Christian Flocky, John Flocky and — Hudebrand.—In this case the defendants were indicted on the charge of running a distillery without a license in the basement of the house No. 100 Essex street, in this city.

Mr. Archibald, the Deputy Collector, was called, swern and examined by Mr. Bell as the first witness for the prosecution, who parasted minutely to the

overn and examined by Mr. Bell as the first witness for the prosecution, who narrated minutely to the jury all the particulars in reference to the distillery, the selzure of it and the occupations at which the defendants were engaged as he found them. Mr. Blake, the Collector of the Seventh district, was the next witness, who corroborated the testimony of the previous witness, his deputy, as to the circumstances of the second visit to the premises. On that occasion saw the still running whiskey and a lager beer keg rull of whiskey hear at hand. The witness was subjected to a lengthy cross-examination by Mr. Joseph Lux, counsel for the defendants.

The United States vs. Solomon Frank and and against a motion to quash the indictment having been heard, Judge Benedict decided on postponing the case until the June term, and reserved his de-cision as to whether the indictment should be quashed or affirmed.

UNITED STATES DISTRICT COURT—IN BANKRUPTCY.

Petitions Filed Yesterday. Theodore H. Tilton, New York city, referred to Register Dayton; William H. H. Nutting, New York city, referred to Register Alien; Watter F. Brewster, Southeast, Putnam county, referred to Register Close; David P. Barnes, White Plains, Westchester county.

The Eric Contempt Cases Adjourned Till To-

Morrow. Before Judga Barnard. The further hearing of testimony in the contempt proceedings against Jay Gould, W. B. Skidmore, Frederick A. Lane, Henry Thompson and J. C. B. Davis was to have been resumed yesterday, but in Davis was to have been resumed yesterday, but in consequence of ex-Judges Pierrepont and Porter being engaged in another court the counsel for the defence asked the court to postpone the cases until two o'clock this afternoon, at which time it was believed the two gentlemen named would be present.

Judge Barnard said he did not know where to go in the interval; in fact he had no place to go, and he did not desire to have any persons subpænned to testify that they had been in bad company. If counsel would agree, it would perhaps be better to adjourn it over for the day.

After some little unimportant discussion this suggestion was agreed to by counsel on both sides. Witnesses who had been subpænned were notified to be present at eleven o'clock this morning, and the case was accordingly adjourned.

The Ross Forgery-The \$63,000 Check Case Closed.

The Continental National Bank vs. The National Bank of the Commonwealth.—This case, which has been on trial during the past three days, and has been already reported in the HERALD, was concluded yesterday. The suit is brought for the recovery of \$63,000, the value of a certified check, drawn May \$63,000, the value of a certified check, drawn May 1, 1866, by John Ross, a former depositor of the Continental Bank, in favor of J. S. Cronise & Co., and made payable at the plaintiff's office. Cronise & Co. diposited the check with the defendant, who, in the regular course of business, sent it to the Clearing House, whence it was afterwards sent to the Plaintiff, on the 2d day of May, at about half-past ten osciock A. M. About two or three hours afterwards the check was returned to the Bank of the Commonwealth, with the information that the certification, purporting to have been made by "A. S. Timpson," paying teller of the Confidental Bank, was a largery.

tion.

The teller himself testified positively that the signature was not in his handwriting, and a number of cierks and bank employés, who claimed to be familiar with the style of his signature, also testified that they believed this certification to be a forgery. An expert was also called, who testified that the certification was not centure.

was also called, who testined that the certification was not genuine.

A messenger in the employ of Cronise & Co. testified that he was sent to the Continental Bank by Mr. Cronise about two o'clock on the 1st of May, immediately upon receiving it from Ross, to ascertain whether the certification was correct, and that the tells; himself responded that it was all right.

The case was concluded at about two o'clock yesterday afternoon, and the jury, not having agreed at the hour of adjournment, was directed to return a

COURT CALENDAR-THIS DAY.

SUPREME COURT—CIRCUIT—Part 1.—Nes. 283, 1221, 1223, 1069, 983, 1265, 1201, 303, 985, 1207, 1303, 1265, 1309, 1313, 1315, 1312, 1321, 1323, 1325, 1327. SUPPEME COURT—CHAMBERS.—Nos. 74, 75, 76, 94, 126, 127, 138, 145, 148, 185, 186, 217, 275, 279.
MARINE COURT—GENERAL TERM.—Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22.

THE KELLY-SHARPE HOMICIDE.

Continuation of the Trial of Edwin Kelly for the Alleged Homicide of Thomas J. Sharpe-Testimony for the Prosecution Closed-The Before Recorder Hackett.

The trial of Edwin Kelly, charged with killing Thomas J. Sharpe, was resumed yesterday morning Mr. John Anthon prosecuting on the part of the people, and Messrs. Clinton and John Hayes counsel for the defence.

DR. COHEN'S TESTIMONY.

The first witness called for the prosecution was Dr. Henry M. Cohen, examined by Mr. Anthon—I am a practising physician of this city; I reside at 404 West Twenty-second street; I remember the occur-rence in 1867, resulting in the death of Thomas Sharpe; on the day in question I was walking up Twenty-fourth street towards Broadway, and Twenty-fourth street towards Broadway, and within some distance of the Fifth Avenue Opera House I saw a sculle between some pasties, and observed them running across the street; I did not know the parties at the time, but subsequently ascertained them to be Kelly and Leon; just as I reached the door of the opera house I saw a large man rushing past me; the deceased. Tom Sharpe, ran out into the street; I then heard some one exclaim, "You take care of that one and I will look out for this one;" he then sam back towards the opera house, and encountered a gentleman whom I afterwards ascertained to be Kelly; a scuffie ensued, when they fell upon the pavement, Kelly being underneath; heard Kelly exclaim, "For God's sake take him off me;" witness then took hold of the deceased and with the assistance of some one else removed nim from Kelly, who, when he rose to his feet, fired at Sharpe; saw Kelly in the act of firing a second time when Sharpe was lying on the sidewalk; saw that Kelly was swounded in the temple; subsequently ascertained that Sharpe was dead, and on turning the body over found the puisation had ceased entirely; witness indicated on his own person where Sharpe had been shot.

Witness was briefly cross-examined, but nothing

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witness was briefly cross-examined, but nothing affecting his direct testimony was elicited.

TESTIMONY OF ABRAHAM NUSSBAUM.

Abraham Nussbaum, examined by Mr. Anthon—I saw this transaction at the Fifth Avenue Opera House; I was at the theatre standing in the vestibule; I got outside and saw Tom Sharpe and Keily fighting; they clinched and fell; Keily said, "For God's sake take this man off me!" two or three gentlemen released him, when Keily draw a platol and fired it at sharpe, who fell between the gutter and the sidewalk, with his face down; Sam Sharpe then came down and fred at Keily; I think in all there were three shots fired; I saw Tom Sharpe fall, after which I heard another shot; Sam Sharpe then fred and attempted to fire again, but a policeman knocked his arm up and prevented him; I did not see Sharpe kick anybody.

Cross-examined by Mr. Clinton—I could not say positively how many shots were fred; they were very rapid; I could not tell how many men pulled sharpe of Keily; at the time I was standing at the stoop of the theatre; there was a large crowd present; there was a number of ladies coming out at the time.

resent; there was a number of hading coming out as the time.

TESTIMONY OF OFFICER FREESS.

Officer Daniel Freese, examined to Mr. Author—I was standing at the country of Twenty-fourth street and Broadway and saw Sharpe and Leon running to the entraines to the bar of the Hofman House; when they got there they exchanged a few blows and then started to run towards Broadway; I ran down and met them before they reached Broadway; Sharpe wanted me to arrest Leon, stating that "two of them had pitched on him;" I arrested Leon; subsequently I heard pistol shots and ran towards the crowd; saw from Sharpe lying there; kelly was standing over him and fired two shots; Sharpe was tring on the sidewalk, with his head and shoulders in the gutters

and took the pistol from him; I gave that pistol to the Coroner; I examined Sharpe pistol and found two shots had been fired; I arrested Sam Sharpe.

In cross-examination the witness stated he took Sam Sharpe to the Twenty-ninth precinct station house; saw Sharpe chasing Leon towards the entrance to the bar of the Hoffman House; saw Sharpe strike Leon, but did not see Leon strike Sharpe, as his back was towards me; I noticed the difference between the size of the men.

TESTIMONY OF OFFICER RENNEDY.

Officer Kennedy examined—I did not see the occurrence, but arrested Kolly after it had taken place; first heard of the killing of Sharpe about twenty minutes after it occurred, and arrested him about half an hour after is the sub-cellar of a drug store, where a surgeon was dressing his wounds.

Cross-examined by Mr. Cilinton—Saw Kelly's condition when I arrested him; he had black eyes, with swollen head and marks of blood, with a mark on the jawbone; those were all the marks I noticed upon him.

John H. Delafield, examined by Mr. Anthon—Was subpoenced by Mr. Kolly to attend this case; have been absent from the city for some time until a few days ago, when I received a letter to attend, at the invitation of Mr. Allison, with whom I have been acquainted; I attended the matimes at the Fifth Avenue Opera House; sat near Kelly and Leon; coming out Allison asked me to wait for him; I proceeded on, and when coming out saw Kelly and Leon; coming closely followed by Sam Sharpe; he touched Leon on the shoulder and said to him, "You are a d—d liar," and to Kelly, "You God d—d son of a—, I can lick the two of you;" and, suiting the action to the word, he took of his coat and gave it to a bystander whom I don't know; Sharp seized hold of Leon and attempted to strike, when Mr. Mathews interposed and endeavored to separate them, in the midst of which Leon got away and ran quickly to the opposite side of the street, closely followed by Sam Sharpe, and Tom Sharpe also followed them, when one of them said, "I will look after the one;

house and saw that he was bruised some about the head; he had a plist of shot wound and his head was bandaged.

Samuel Sharpe, sworn and examined—I am the brother of the deceased; I went to the Fifth Avenue Opera House on the lith of December last to meet Mr. Garland, the manager of the theatre, and after having a conversation with him for fifteen minutes, I went up to the auditorium and sat alone; as soon as I entered the theatre I saw Kelly and Leon sitting there; I had no knowledge that they were there before that; I did not see my brother in the theatre; the first I saw of him was during the fight between Kelly, Leon and myself.

Q. Did you on that day address any one as an Irish son of a b—h? A. I did not.

Cross-examined by Mr. Clinton—Q. Did you use that expression with the word "Irish" left out? A. Yes, sir; I formerly had minstrels at the Fifth Avenue Opera House; I was interested in the theatre at the time of this occurrence; Mr. Garland was managing it, and I was interested in the success and in the receipts of the establishment; after I left the theatre I told Mr. Alliston to wait a minute, that I wanted to see Leon; I did not say I wanted to see Kelly; I had but a slight acquaintance with Kelly at that time; Kelly and I never had any differences; a quarrel originated between me and Leon six months before, but that was the first time I saw him since the quarrel; I did not follow after Kelly and Leon when they came down the steps of the theatre; I simply stepped up to them as soon as they got out of the door.

Q. When the body of your brother was taken into

the door.

Q. When the body of your brother was taken into the vestibule of the theatre did you say with reference to Kelly and Leon, "I have been looking for the sons of b—— for six months, and I got them at last?"

A. I have no recollection of using such language; I cannot recollect what was said after I saw the body; I can tell you anything previous.

Q. Are you under indictment for a felonious assault upon Kelly on this occasion? A. Yes, sir.

Q. That indictment is pending and untried? A. Yes, sir.

Q. Did you employ private counsel to try this case? Mr. Anthon said.—Yes, he did.

Witness (after hesitating)—Yes, I did.

Air. Clinton said he admitted that Mr. Kelly fired the shots which caused the death of Tom Sharpe, and the defence would plant themselves upon the justification of the act.

A recess of fifteen minutes was taken.

Stephen Smith was called after the recess and testified he was a practising physician; was present at the post mortem examination on the body of Tom Sharpe; there were two wounds upon his body, one entering on his left side and plercing the ventricle of the heart, and the other penetrating the liver on the right side; the wound on the left side, in his opinion, caused death.

IESSTIMONY OF CHARLES H. GARLAND.

right side; the would be caused death.

TESTIMONY OF CHARLES H. GARLAND.

Chas. H. Garland—I was manager of the Fifth Avenue theatre on the 11th of December; I saw Sam Sharpe on that day I think about half-past three, in the ticket office and had a conversation, but spoke of nothing but private business; I saw Sam Sharpe after the performance closed; I was talking with him, standing in the vestibule of the theatre as Kelly and Leon went out, and he said "Wait a minute" and follow

a boon went out, and he said "Wait a minute" and followed tem; the next I heard was some loud words and scumling; the next I saw was some loud words and scumling; the next I saw was that Tom Starpe of them scutling; the next I saw was that Tom Starpe; and out in the next I saw was that Tom Starpe; and the same of the

city for ten years—Rnow the defendant; attended him on December II; that was about five minutes after he was shot; dressed his wound; he had a pistol shot wound on the temple; the ball had penetrated about two inches into the muscles of the temple; there was a severe contusion of the eye, which soon closed up; the eye was very much discolored and blackened; after I dressed his wounds he complained of his ear hurting him; I hade an examination of his ear and found the lobe much swotien and slight abrasion; the eardooked as if it had been bitten; it had that appearance.

Q. Did you find the ball? A. No: I think it is still in his head; it must be a small ball; another doctor examined the wound and agreed with me that the ball was still there, and I advised Keliy to let it alone. Cross-examined—The pistol shot would not have caused the contusion of the eye.

John Mathews, comedian, examined—Was at the Fifth Avenue Opera House I ith December last; was coming downythe steps of the Opera House when I heard screams; looked and saw two men fighting, one down, the other over him, the larger man on top; they were fighting; the man on top was using his hands; couldn't see the man that was under; recognized in the larger man an acquaintance; took bold of him and affer some exertions was joined by others and drew him off; the upper man kicked the under man while they were on the ground; I saw him kick about three or four times; had never seen Kelly before that time; Mr. Sharpe's face was very familiar; had seen him often; Kelly when he rose got on his feet in a very excited and wild manner; the moment he got up he fired; Sharpe had first got to his feet; when he was drawn of Kelly he only moved away about four feet; after Kelly got up there was no time for any demonstration on the part of Sharge; when Kelly fred the second shot the crowd began to scater; ran to the wounded man and then heard shots in the direction of Broadway; when he looked at the wounded man. strange to San his feet in a wounded man strange to San he is t

Francis Leon examined—Am engaged in the minstrei business, No. 720 Broadway; was a partner with the prisoner in the business; was at the Fifth Avenue Opera House on the 11th of December; went there in company with Kelly; knew but one Sharpe at the time, Sam Sharpe (id not know of the existence of a brother, neither did not know of the existence of a brother, neither did not know of the existence of a brother, neither did not know of the existence of a brother, neither did not know of the existence of a brother, neither did not not one saying my property was mortgaged," a few words followed, when Sharpe pulled a ring of hard finger and handed it to some person in the netween stands of the stand

them; Leon then ran away; did not see whether either of them touched each other after Leon ran away; afterwards saw Sam Sharpley's lips moving as if he was saying something; I saw Tom Sharpley then come on the scene and advance rapidly towards Kelly; Kelly put himself on his defence slightly; they then scunfled and fell; Tom Sharpley fell on top of Kelly; did not see Sharpley pulled off; the crowd then gathered and witness went off towards Broadway; heard three pistol shots fired distinctly; saw nothing more.

J. V. Van Dyne testified he was in the minstrel business; knew Kelly and Leon for twelve or fourteen years; knew Sam Sharpley professionally for about ten or twelve years; had seen Tom Sharpley two or three times; Tom Sharpley was a large man; thought there was not much difference between Coroner Schirmer and Tom Sharpley in point of weight; thought Tom Sharpley was heavier than Mr. Kelly and the stronger man of the two; saw Kelly on the Saturday following the occurrence; his left ear presented the appearance of having been bitten, and his left eye was black and blue; the right eye was bloodshot.

Albert L. Parkes testified that he was treadure and business manager of Kelly & Leon's minstrels at the time of this occurrence; did not see the affray; saw him half an hour afterwards; his ear appeared to have been bitten, one eye was black and blue, the other bloodshot; the left side of his face was black and blue, and there appeared to be a bag of blood formed in his neck; the marks from the blue in the ear were visible the next day, but I did not notice it afterwards.

The testimony is nearly closed and the summing up will take place to-day.

CITY INTELLIGENCE.

"AMERICAN CITIZENS IN BRITISH PRISONS."-This is the subject of a lecture to be delivered at the Cooper Institute this evening by Mr. Stephen J. Meany, who has been lately released from a convict prison in England.

an address on "The Women of Turkey and Domestic Life in the East" this evening, at eight o'clock, in the lecture room under St. Ann's church, Eighteenth street, near Fifth avenue, during which he will illustrate the mode of living in the Levant, he, himself, appearing in costume, essisted by a lady who has been engaged for the purpose.

FATAL FALL DOWN STAIRS.—Coroner Keenan yesterday held an incount at No. 85 Clinion street on the

FATAL FALL DOWN STAIRS.—Coroner Keenan yesterday held an inquest at No. 86 Clinton street on the body of John Miller, a lad four years of age. It appears that a Mr. Stiller was going down a fight of stairs with the child in his arms, when he made a misstep and fell to the floor below, failing on top of the boy, who received a fracture of the skull and other injuries, which resulted fatally. The accident occurred on Tuesday morning. A verdict of accidental death was rendered by the jury. Deceased was a native of this city.

KILLED BY FALLING FROM A ROOF.—On Tuesday morning last Alfred Straheim, a lad, while at play

morning last Alfred Straheim, a lad, while at play with a dog on the roof of premises 249 East Tenth street, fell off into the rear yard, and striking on his head fractured his skull. He was taken up insensi-ble and expired some hours afterward. Coroner Schirmer held an inquest on the body, and the jury rendered a verdict corresponding with the foregoing facts.

SOCIETY LIERARY .- On Tuesday evening the share holders of the New York Society Library held their annual meeting, and the following gentlemen were annual meeting, and the following genticenes were chosen trustees for the year:—Gulien C. Verplanck, Charles R. Swords, Thomas W. Clerke, Robert Lenox Kennedy, Charles E. Strong, William J. Hoppin, Ois D. Swau, William Adams, John Romeyn Brodhead, Henry C. Dorr, Evert A. Duyckinck, Stacy B. Collins, William McMurray, William Allen Butler, Thomas Ward. The following gentlemen were chosen in spectors:—Albert Cordoza and S. L. H. Ward.

DEPARTURES FOR EUROPE YESTERDAY.—The Cunard DEPARTURES FOR EUROPE YESTERDAY.—The Cunard Company's steamer Scotla, Captain Judkins, left this port yesterday with a passenger list amounting to nearly two hundred, among whom were Lord Foley. Br. Scoresby, Dr. Burmell, Robert Pell, Secretary of the American Free Trade League, and others. The Scotla also carried out a large cargo of cotton and general merchandise, and \$231,000 in specie. The Minnesota, of the New York and Liverpool line, had twenty cabin, fifteen steerage passengers and an extensive spring cargo. The Hamburg and United States mail ship Teutonis, Commander Barends, for Southampten and Havre, had twenty cabin passengers and others in the steerage, and among them Captain W. Bassfield, Royal Army, of New Brunswick; also \$210,000 in specie and some flour for the families smitten provinces of Eastern Prussia.

Arrest of MUTINBERS.—Yesterday morning at ARREST OF MUTINABUS .- Yesterday morning at

five o'clock Captain Hartt, with the police steamer, boarded the steamship City of Cork, from Liverpool, in the lower bay, and arrected James Burden. Thomas Walsh, Henry hurray and James Carroll, scamen, being a part of the crew of the slup ida Lilly, Captain Patterson, charged with mutiny on the high seas. They were taken before United States Commissioner, Betts and committed. They had been previously taken from the Ida Lilly by a British man-of-war and taken to Liverpool and from thence sent here.

ATEMPTED SUICIDE—A man named Charles Gunther, who was boarding at 286 Tenth avenue, attempted to commit suicide yesterday afternoon by cutting his throat with a razor. He was prevented from doing himself serious injury and was then taken to Beilevue Hospital.

IN BRIEF.—The Fire Commissioners held their regular weekly meeting yesterday, but transacted no

business of importance.

The Police Commissioners held their trial meeting

of, in which their superior officers were the complainants.

The net receipts of the charity ball for the benefit of the Nursery and Childs' Hospital were \$12,053 36.

The arrivals of emigrants at this port from January 1 to April 29 amount to 37,579. During the same period of the year 1967, 49,061.

Yesterday orders were issued by the Board of Education for the requisite preliminary arrangements connected with the proposed enlargement and repair of the grammar schools on the north side of Fortieth street and Fifty-second street, Eighth avenue, and for those in Madison street, West Thirty-seventh street, Mott street, and Moore and Varick streets.

Yesterday a new style of watering cart, on the "European plan," and superseding the somewhat unsightly and old fashioned water butt, made its appearance for the first time on Broadway.

State inspectors of the gas supply and gas meters in this city have just been appointed by the Legisla-

in this city have just been appointed by the Legislature.
Yesterday a large number of men were being taken on for the commencement of the works of the West Shore Railway.
Yesterday two United States society clobs, or branch associations were organized—onel in the Eleventh ward, of which Mr. W. Lynch is President, and the other in the Seventeenth ward, of which Mr. Francis W. Carrol has been elected President.
William A. Hoyt, alias Price, arrested Tuesday in the act of picking a lady's pocket, during the session of Jefferson Market Court yesterday ran the gauntlet of the court officials and escaped.
William H. Downs was committed for trial at Jefferson Market yesterday on the charge of robbing his room mate, Patrick Flood; of a sum of money.

POLICE INTELLIGENCE.

ROBBERY IN WATER STREET. -Yesterday afternoon meer Craig, of the Fourth precinct, arrested Sarah Vannall, an Irish woman, of 381/2 Water street, on the charge of stealing \$42 in Treasury notes from Michael Bennett, residing at 71 James street. After taking the money Sarah stowed it away in her room, and the officer on making a search discovered the treasure where the accused had secreted it. Justice Dowling committed Sarah for trial.

STEALING TEA .- Mark Gorham and Stephen Kenney were yesterday arraigned before the sitting magney were yesterday arraigned before the sitting mag-istrate at the Tombs, charged with stealing from the canal boat Johnnie E. Davis, lying at pier No. 7 East river, six half chests of tea, valued at \$300. The accused were fully committed for trial. It is but just to say that the accused positively denied all knowledge of the theft.

ALLEGED THEFT .- Johanna Gibbs was arrested resterday charged with stealing \$210 in money at 268 Bowery. The accused was committed.

PUBLIC EDUCATION.

New School Building for the Twenty-first

The system of public education in this city, though in many ways superior to that of any other city in the Union, is yet susceptible of improvement, and the Board of Education is making vigorou efforts to bring the system to such a standar that it may be looked up to by all the friends of education and taken as a model in all its branches. The "course of studies in the schools is at present undergoing a most proper revision, and the Board has shown a great deal of good sense in inviting the expression of opinion by the teachers of the various grades in the schools, who, from extensive practical experience in the honorable yet onerous duty of imparting

the honorable yet onerous duty of imparting instruction, are eminently qualified to determine what is most essential, both in plans and materials, for the foundation and erection of a solid, serviceable, healthful and yet ornamental educational structure in the mind of youth.

With a similar intent the Board has pursued a similar course in regard to the school buildings, and the good results of such a procedure have already been made manifest. The buildings are now erected with a more strict regard to the proprieties of the building profession and with greater consideration for the comfort and convenience of both teachers and pupils. The edifices are to be made ornamental and substantial; and are brought into existence and maintained with as much regard for economy as the most captious and capricious opponent of the school system could reasonably desire; if, indeed, such a person could reasonably desire anything which necessity or usefulness demanded.

In certain portions of the city the growth of the population has been so rapid that school accommodations could not be secured, especially for the younger children; and the local school officers as well as the Board of Education have been obliged to witness the overcrowding of school rooms and build-

dations could not be secured, especially for the younger children; and the local school officers as well as the Board of Education have been obliged to witness the overcrowding of school rooms and buildings without being able to afford any immediate relief. Among other districts the Twenty-first ward has been particularly ambleted in this regard, but the school officers finally succeeded in procuring a piece of property on the north side of Thirty-second street, near Third avenue, and on that they purpose erecting a new schoolhouse, to be known as primary school No. 16. The lot is 100 feet front by 98% feet deep, and the building to be erected thereon will be a superior one in every particular. It will consist of a main building of fifty feet front by ninety-four feet deep, with two front wings, each fifteen feet front by forty feet deep, and two rear wings of fifteen feet by thirty-one feet. The front of the building will be of Philadelphia pressed brick, trimmed with Dorchester (or Nova Scotia) stone, cut and polished, and around the doors and windows of the principal story verniculated (or wormed). The windows and doors will be circular-headed - and in the centre, or tower, over the main entrance the windows will be arranged in triplets. The rear of the building will be niched at the junction of the main building and wings so as to give place for additional windows for lighting and ventilating the new class rooms. The building is to be so constructed that if the property surrounding it should be entirely covered by buildings there would still be a space between them and the schoolnouse. The upper portion will form a Mansard roof and with a handsome tower in the centre on the front.

The cellar will be nine feet in height, and will be

the schoolnouse. The upper portion will form a Mansard roof and with a hardsome tower in the centre on the front.

The ceilar will be nine feet in height, and will be devoted to the storage of fuel and the apparatus for heating the building. On the first story, which will be nine feet and nine inches in height, will be the janitor's rooms, the play ground and closeds for the pupils. The second and third stories will be each fourteen feet and three inches in height, and will each contain six class rooms, two galleries for the infants and rooms for the teachers. The second story will be for the female department and the third for the male department, and will be reached by four sets of stairs, in addition to the main stairs in the tower, each arranged in short flights, so that there will be little or no fatigue in going up or down, and if a child should happen to fail it cannot fail but a short distance. All the improvements which have lately been introduced, and which the Superintendent of School Buildings, Mr. James L. Miller, has planned and placed in practical operation, will be added to this building, and everything will be done to insure pleasure and profit to the teachers and the children of tender years to whose sole accommodation the building is to be devoted. In this, as in all other school buildings, the materials used in the construction are required to be of the best quality, and such work as will admit of it must be guarranteed by the contractor for a length of time sufficient to determine its fitness.

The contracts for the work were opened on the

contractor for a length of time sunction to declared its fitness.

The contracts for the work were opened on the 17th day of March last, and were awarded as follows:—

For mason work, to Samuel Lawrence for \$50,000; for carpenter work, to James Neafle for \$22,900; for painting, to T. & P. Murray for \$1,030—making, to gether with the price of the ground, a total cost of \$92,950. The work has already been commenced and will be completed by January 1, 1860.

MONTHLY SALE OF SCRANTON COAL.

The monthly accumulation of Scranton coal was vesterday, as usual, submitted in lots to the highest bidders. The attendance of retail dealers was quite large and the bidding very animated. Seventy-ave

large and the bidding very animated. Seventy-dree thousand tons, embracing all the varieties from cheatnut to lump, were disposed of. The comparative prices of the sales in the month of March and those of yesterday are given in the annoxed table:—

March Prices.

Lump. \$3.05 a 3.80 \$3.70 & 3.80 \$3.00 & 3.80 \$3.00 & 3.24 & 3.20 \$3.00 \$3.20 & 3.24 & 3.20 \$3.20 & 3.24 & 3.20 \$3.20 & 3.24 & 3.20 \$3.20 & 3.24 & 3.20 \$3.20 & 3.24 & 3.20 \$3.20 & 3.24 & 3.20 \$3.20 & 3.24 & 3.20 \$3.20 & 3.24 & 3.20 \$3.20 & 3.24 & 3.20 \$3.20 & 3.20 & 3.20 & 3.20 \$3.20 & 3.20 It will be noticed that the prices have an spward tendency, the average increase in lump being 2% cents, in steamboat 13% cents, in grate 9 cents, in egg 14% cents, in chestnut 10 cents; but s decrease in stove of 11% cents.

MARINE TRANSFERS.

The following list comprises the transfers of date April 28, none having been recorded for date of yes